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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**PAIGE E. MURPHY, AKA
Paige E. Anderson
2039 Robins Lane SE, Unit #200
Salem, OR 97306-2751
Registered Nurse License No. 174409**

RESPONDENT

Case No. 2011-757

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 9, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-757 against Paige E. Murphy, aka Paige E. Anderson, (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about October 31, 1966, the Board of Registered Nursing (Board) issued Registered Nurse License No. 174409 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on September 30, 2010, and has not been renewed.

3. On or about March 9, 2011, Respondent was served by Certified and First Class Mail a copy of the Accusation No. 2011-757, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16 California Code of Regulations section 1409.1, is required to be reported and maintained with the Board, which was and is:

2039 Robins Lane SE, Unit #200

Salem, OR 97306-2751

4. Service of the Accusation was effective as a matter of law under the provisions of

1 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
2 124.

3 On or about March 16, 2011, the First Class Mail document was returned, marked by the
4 U.S. Postal Service, "Attempted-Not Known." On or about March 21, 2011, the Certified Mail
5 document was returned, marked by the U.S. Postal Service, "Attempted-Not Known."

6 5. Respondent failed to maintain an updated address with the Board and the Board has
7 made attempts to serve the Respondent at the address on file. Respondent has not made herself
8 available for service, and therefore, has not availed herself of her right to file and notice of
9 defense and appear at a hearing.

10 6. Business and Professions Code section 2764 states:

11 The lapsing or suspension of a license by operation of law or by order or decision of
12 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
13 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
14 against such license, or to render a decision suspending or revoking such license.

15 7. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
17 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
18 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
19 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

20 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
22 757.

23 9. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
25 agency may take action based upon the respondent's express admissions or upon other evidence
26 and affidavits may be used as evidence without any notice to respondent.

27 10. Pursuant to its authority under Government Code section 11520, the Board after
28 having reviewed the proof of service dated March 9, 2011, signed by Beth Scott, and the returned

1 envelope finds Respondent is in default. The Board will take action without further hearing and,
2 based on Accusation No. 2011-757 and the documents contained in Default Decision
3 Investigatory Evidence Packet which includes: Exhibit 1 – Pleadings offered for jurisdictional
4 purposes; Exhibit 2 – License History Certification for Paige E. Murphy, aka Paige E. Anderson;
5 Exhibit 3 – Before the Oregon State Board of Nursing, Final Order, Case No. 05-156, In the
6 Matter of Paige Murphy, RN, License No. 079043937RN; Exhibit 4 – Affidavit of Shannon
7 Silberling; Exhibit 5 – Declaration of costs by Office of the Attorney General for prosecution of
8 Case No. 2011-757, and finds that the charges and allegations in Accusation No. 2011-757 are
9 separately and severally true and correct by clear and convincing evidence.

10 11. Taking official notice of the certification of Board Costs and the declaration of costs
11 by the Office of Attorney General contained in the Default Decision Investigatory Evidence
12 Packet, pursuant to Business and Professions Code section 125.3, it is hereby determined that the
13 reasonable costs for Investigation and Enforcement in connection with the Accusation are
14 \$830.00 as of March 29, 2011.

15 DETERMINATION OF ISSUES

16 1. Based on the foregoing findings of fact, Respondent Paige E. Murphy, aka Paige E.
17 Anderson, has subjected her following licenses to discipline:

18 a. Registered Nurse License No. 174409

19 2. The agency has jurisdiction to adjudicate this case by default.

20 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
21 Nurse License based upon the following violations alleged in the Accusation, which are
22 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
23 case.

24 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary
25 action by another State Board of Nursing.

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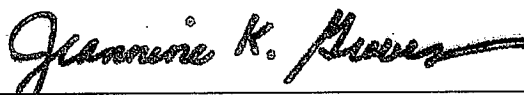
ORDER

IT IS SO ORDERED that Registered Nurse License No. 174409, heretofore issued to Respondent Paige E. Murphy, aka Paige E. Anderson, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 18, 2011.

It is so ORDERED May 19, 2011



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Accusation No. 2011-757

Exhibit A

Accusation No. 2011-757

1 EDMUND G. BROWN JR.
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
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6 Telephone: (510) 622-2221
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7 E-mail: Susana.Gonzales@doj.ca.gov
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2011-757*

12 **PAIGE E. MURPHY, a.k.a. PAIGE E.**
13 **ANDERSON**
2039 Robins Lane SE, Unit #200
14 Salem, OR 97306-2751
15 **Registered Nurse License No. 174409**

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 31, 1966, the Board of Registered Nursing issued Registered
24 Nurse License Number 174409 to Paige E. Murphy, also known as Paige E. Anderson
25 (Respondent). The Registered Nurse License expired on September 30, 2010, and has not been
26 renewed.
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4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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“(a) Unprofessional conduct, which includes, but is not limited to, the following:

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.”

1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Out of State Discipline)
7 (Bus. & Prof. Code §2761(a)(4))

8 9. Respondent has subjected her registered nurse license to disciplinary action under
9 Code section 2761, subdivision (a)(4), in that on or about November 17, 2005, in a disciplinary
10 action before the Oregon State Board of Nursing (Oregon Board), Case Number 05-156, the
11 Oregon Board entered a Final Order reprimanding Respondent's registered nurse license and
12 approving the Stipulation for Reprimand with Conditions (Stipulation), signed by Respondent on
13 November 7, 2005. The Stipulation required Respondent to complete at least one formal Oregon-
14 Board-approved course of study focusing on the principals of professional accountability.
15 Respondent was also required to write a minimum three-page paper summarizing the information
16 learned in the course and describing how she planned to integrate it into her practice as a
17 professional nurse.

18 10. The underlying conduct supporting the Oregon Board's disciplinary action is that on
19 or about August 11, 2004, while employed as the evening shift charge nurse at Sunnyside Care
20 Center (Sunnyside), Respondent failed to communicate information regarding a resident's hip
21 fracture to members of the health care team. Respondent also failed to take action to promote the
22 resident's safety and well-being based on nursing judgment, including failing to advocate and
23 coordinate necessary medical treatment to address the patient's hip fracture.

24 11. Specifically, resident CP was admitted to Sunnyside from Salem Medical Center's
25 (Salem Medical) emergency room (ER) on July 27, 2004, after a fall at home. X-rays taken
26 during CP's ER evaluation on or about July 26, 2004, stated "possible old, healed pelvic fracture
27 versus poorly seen acute fracture," and a follow-up x-ray was recommended. CP's admitting
28 diagnosis included: osteoporosis, weakness, left low-back and hip pain, and gait dysfunction. CP

1 was prescribed physical therapy to increase strength, balance, and mobility. According to
2 physical therapy notes, CP was making "steady progress" until August 6, 2004, when she
3 appeared to "twist" her left hip and reported significant pain during a stair decent. On or about
4 August 11, 2004, the day shift charge nurse obtained an order to repeat x-rays of CP's pelvis and
5 hips because of reported right hip pain. The x-rays were completed during the evening shift. In a
6 progress note dated August 11, 2004, Respondent wrote, "Left hip fracture. Resident made no
7 complaint of any discomfort. No requests for pain medication...X-ray results have been sent to
8 Dr. Harvey's [CP's primary care physician] office." On or about August 12, 2004, Sunnyside
9 received orders from Dr. Harvey to transfer CP to Salem Medical ER. Respondent later
10 acknowledged that as the registered nurse on duty, and the one to receive CP's x-ray results, she
11 was responsible for timely communicating information relating to CP's x-ray results to
12 appropriate medical personnel and for advocating for a timely medical evaluation of CP. She also
13 acknowledged that she was responsible for implementing a plan of care to manage CP until she
14 was transferred out of Sunnyside for further evaluation and treatment of her hip fracture.


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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in the Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 174409, issued to Paige E. Murphy, also known as Paige E. Anderson;
2. Ordering Paige E. Murphy, also known as Paige E. Anderson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: March 9, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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